

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-12 and 23 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

There is no support for the exclusion of steam; the passages cited for support refer to the prior art, not the present process.

Applicant's arguments filed 9/29/09 have been fully considered but they are not persuasive. When applicant is aware that the main or only difference between their process versus what is known in the art is the exclusion of a commonly employed step or reagent, it behooves them to point this out explicitly as their invention. The examiner disagrees that the specification clearly points out this difference. Literal support is not always necessary in general, however there is no *other* practical way to describe a situation where the invention is the exclusion of a common step or reagent. The use of nitrogen does not support a limitation excluding steam any more than it would support a negative limitation which excludes 38.745% humidity (for example). If applicant were to positively claim an inert gas atmosphere, then this would be reasonably supported by the example using nitrogen.

The specification does not support the invention as claimed.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to examiner Hendrickson at telephone number (571) 272-1351.

/Stuart Hendrickson/
Primary examiner Art Unit 1793